



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Internet: <https://www.fcc.gov>
TTY: 1-888-835-5322

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NOTICE CONCERNING *EX PARTE* STATUS OF COMMUNICATIONS WITH RESPECT TO THE 3.7 GHZ BAND TRANSITION RELOCATION COORDINATOR AND RELOCATION PAYMENT CLEARINGHOUSE

GN Docket No. 18-122, IB Docket No. 20-205, GN Docket No. 20-305

In the *3.7 GHz Report and Order*, the Commission adopted rules to make 280 megahertz of mid-band spectrum available for flexible use, plus a 20 megahertz guard band, throughout the contiguous United States by transitioning existing operations out of the lower portion (3.7-4.0 GHz) and into the upper 200 megahertz (4.0-4.2 GHz) of the band.¹ The Commission also tasked multiple parties with roles designed to facilitate and help manage this transition, including requiring selection of a Relocation Coordinator and a Relocation Payment Clearinghouse (Clearinghouse). This Public Notice is intended to set forth the Commission's *ex parte* rules as applied to presentations regarding the transition by the Relocation Coordinator and Clearinghouse.

Specifically, the *3.7 GHz Report and Order* required eligible Fixed Satellite Service (FSS) space station operators to select a Relocation Coordinator that will be responsible for managing the overall transition and coordinating relocation actions among eligible FSS space station operators, incumbent FSS earth station operators, and new 3.7 GHz Service overlay licensees.² On July 31, 2020, eligible space station operators announced that they had selected RSM US LLP (RSM) to serve as the Relocation Coordinator.³ Following public comment, on September 25, 2020, the Wireless Telecommunications Bureau (Bureau) issued an Order⁴ finding that RSM satisfies the selection criteria established by the Commission in the *3.7 GHz Report and Order* and will serve as the Relocation Coordinator for the 3.7-4.2 GHz transition process.⁵

The *3.7 GHz Report and Order* also established a search committee to select a Clearinghouse that

¹ *Expanding Flexible Use of the 3.7 to 4.2 GHz Band*, Report and Order and Order of Proposed Modification, 35 FCC Rcd 2343, 2345, para. 4 (*3.7 GHz Report and Order*).

² *Id.* at 2459-61, paras. 309, 313-14. An eligible space station operator is defined as an incumbent FSS space station operator that has demonstrated as of February 1, 2020, that it has an existing relationship to provide service via 3.7-4.2 GHz band satellite transmission to one or more incumbent earth stations in the contiguous United States. 47 CFR § 27.1411(b)(2).

³ Letter from Michael DeMarco, et al., Members of Relocation Coordinator Search Committee, to Marlene H. Dortch, Secretary, FCC, GN Docket No. 18-122 (filed July 31, 2020).

⁴ *Expanding Flexible Use of the 3.7 to 4.2 GHz Band*, Order, DA 20-1133 (rel. Sept. 25, 2020).

⁵ 47 CFR § 27.1413(b); *3.7 GHz Report and Order*, 35 FCC Rcd at 2459, paras. 307-09.

would be responsible for handling all cost-related aspects of the transition.⁶ On July 31, 2020, the search committee announced that it had selected CohnReznick LLP and subcontractors Squire Patton Boggs (US) LLP, and Intellicom Technologies, Inc. (collectively, CohnReznick) to serve as the Clearinghouse.⁷ Following public comment, on October 22, 2020, the Bureau issued an Order⁸ determining that the selection by the search committee appointed by the Commission of CohnReznick to serve as the Clearinghouse satisfies the criteria set forth in section 27.1414 of the Commission's rules and described in the *3.7 GHz Report and Order*.⁹

In order to effectively administer the 3.7 GHz band transition, Commission staff must communicate and meet with RSM and CohnReznick on an ongoing basis. Given the importance of a seamless and timely transition, the Bureau finds that it is in the public interest that the communications and meetings on issues around the 3.7 GHz band transition between the Commission and RSM or CohnReznick be conducted as efficiently and expeditiously as possible. Accordingly, by this Public Notice, pursuant to section 1.1200(a) of the Commission's rules,¹⁰ the Bureau modifies the applicability of the Commission's *ex parte* rules to treat as exempt any presentations made between or among Commission staff, RSM, and CohnReznick on the subjects described above. We emphasize, however, that only information that is placed in the record may be relied upon in any decision by the Commission or Bureau in this proceeding. The Bureau also directs RSM and CohnReznick to file their regular status reports in the record and post them on their websites.¹¹

This notice relates only to communications by RSM and CohnReznick to the Commission. In all other respects, this proceeding is subject to the Commission's requirements for "permit but disclose" proceedings under section 1.1206.¹²

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⁶ *3.7 GHz Report and Order*, 35 FCC Rcd at 2450-51, paras. 273-74. The search committee is composed of nine members appointed by nine entities that the Commission found, collectively, reasonably represent the interests of stakeholders: Intelsat License LLC, SES Americom, Inc., Eutelsat S.A., National Association of Broadcasters, NCTA - The Internet & Television Association, American Cable Association, CTIA, Competitive Carriers Association, and Wireless Internet Service Providers Association. *Id.* at 2450-51, para. 274.

⁷ Letter from Ross J. Lieberman, et al., Members of Clearinghouse Search Committee, to Marlene H. Dortch, Secretary, FCC, GN Docket No. 18-122 (filed July 31, 2020).

⁸ *Expanding Flexible Use of the 3.7 to 4.2 GHz Band*, Order, DA 20-1251 (rel. Oct. 22, 2020).

⁹ See 47 CFR § 27.1414; *3.7 GHz Report and Order*, 35 FCC Rcd at 2450-52, paras. 273-80.

¹⁰ 47 CFR § 1.1200(a).

¹¹ See 47 CFR §§ 27.1413(d), 27.1414(c); *3.7 GHz Report and Order*, 35 FCC Rcd at 2450, 2461, paras. 270, 316. RSM and CohnReznick may request confidential treatment of information contained in their status reports consistent with sections 1.1206(b)(2) and 0.459 of the Commission's rules. 47 CFR §§ 1.1206(b)(2), 0.459.

¹² 47 CFR § 1.1206.